

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAFACE RECORDS LLC; SONY BMG
MUSIC ENTERTAINMENT; INTERSCOPE
RECORDS; and UMG RECORDINGS, INC.,

Plaintiffs,

v.

5:08-CV-00704 (NPM / DEP)

MARC EMMANUEL THEODORE,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Leclair Korona Giordano Cole LLP
150 State Street, Suite 300
Rochester, NY 14614-1353

Steven E. Cole, Esq.

FOR THE DEFENDANT

Marc Emmanuel Theodore

No appearance

Neal P. McCurn, Senior District Judge

Summary Order

The plaintiffs in this copyright infringement action seek a default judgment against defendant Marc Emmanuel Theodore (“defendant”) for violations of their exclusive rights in copyrighted materials. Based upon this court’s consideration of

plaintiff's motion for default judgment, the following findings have been made:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the four sound recordings listed in Exhibit A to the Complaint, as set forth below. Accordingly, having been adjudged to be in default, defendant shall pay damages to plaintiffs for infringement of plaintiffs' copyrights in the sound recordings listed in Exhibit A to the complaint, in the total principal sum of Three Thousand Dollars (\$3,000.00).

2. Defendant shall further pay plaintiffs' costs of suit herein in the amount of Four Hundred Twenty Dollars (\$420.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

"Slow Jam," on album "My Way," by artist "Usher feat. Monica" (SR# 257730);

"Hold On," on album "The Young and the Hopeless," by artist "Good Charlotte" (SR# 309099);

"Superman," on album "Eminem Show," by artist "Eminem" (SR# 317924); and

"Musiq Soulchild," on album "Aijuswanaseing," by artist "Musiq" (SR# 291528);

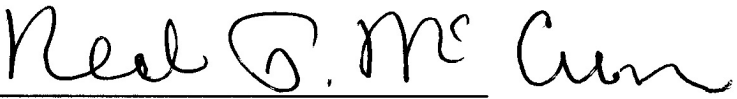
and in any other sound recording, whether now in existence or later created, that is owned or controlled by the plaintiffs (or any parent, subsidiary, or affiliate record label of plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the internet or any online media distribution system to reproduce (i.e., download) any of plaintiffs' recordings, to distribute (i.e., upload) any of plaintiffs' recordings, or to make any of plaintiffs' recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of plaintiffs. Defendant also shall destroy all copies of plaintiffs' recordings that defendant has downloaded onto any computer hard drive or server without plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in defendant's possession, custody, or control.

Accordingly, plaintiffs' motion for default judgment is hereby GRANTED.

The Clerk is instructed to close this case.

SO ORDERED.

March 31, 2009



Neal P. McCurn
Senior U.S. District Judge